

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

Andrew Hayes,

Plaintiff,

v.

St. Matthews Police Department and  
Michael Smalls, Jr., individually,

Defendants.

C.A. No. 5:15-cv-4486-JMC

**SECOND CONSENT AMENDED  
SCHEDULING ORDER**

This matter is before the Court on motion of the parties to amend the Consent Amended Scheduling Order (ECF 24) to add 60 days for discovery and to adjust the deadlines that follow discovery accordingly. The parties submit that they have engaged in and largely completed written discovery, and expect to take depositions and conduct any needed follow-up discovery once written discovery is complete no later than September 19, 2016. For good cause shown the motion is **GRANTED** and it is **ORDERED** that the following deadlines be amended:

7. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **September 19, 2016**. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
8. Discovery shall be completed no later than **September 19, 2016**. Discovery shall be deemed completed within this time only if discovery is initiated at such time as to afford the responding party the full time provided under the applicable rule of the Federal Rules of Civil Procedure in which to respond prior to the discovery completion date noted in this paragraph.  
  
**(The parties may, with the consent of all counsel, conduct discovery up to the time of trial, provided the deadlines in this order are not affected.)**
9. All other motions, except (a) those relating to the admissibility of evidence at trial and (b) those to compel discovery, shall be filed no later than **October 3, 2016** (Fed. R. Civ. P. 16(b)(2)). See below ¶ 11 for motions in limine deadline.

10. Mediation, pursuant to Local Civil Rules 16.04-16.12, shall be completed in this case on or before **October 24, 2016**.
11. No later than **October 31, 2016**, the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(6).
12. Motions in limine must be filed no later than **October 31, 2016**.
13. Parties shall furnish the Court pretrial briefs seven (7) days prior to the date set for jury selection (Local Civil Rule 26.05). Attorneys shall meet at least seven (7) days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. See Local Civil Rule 26.07.
14. This case is subject to being called for jury selection and trial on or after **January 2, 2017**.

**A request for a continuance of the trial date must be agreed to and signed by the party and his attorney requesting and/or consenting to the continuance.**

**The court directs the parties' attention to Local Rule 7.00 which governs motion practice. Hearings on motions are not automatic. The court may decide motions without a hearing. If a party opposes a motion which has been filed, that party must file a response to the opposed motion within fourteen (14) days of the date the motion was filed. If no such response in opposition is filed, the court will assume that the party consents to the court's granting the motion.**

**NOTICE: You are expected to be available for trial of this case during the month of January 2017 unless the court notifies you of a later date. If you presently have a conflict during the month of January, notify the court in writing within seven (7) days of the date of this order. You will not be excused without leave of court.**

s/J. Michelle Childs  
J. Michelle Childs  
United States District Judge

July 1, 2016  
Columbia, South Carolina